

**IN THE UNITED STATE DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

MICHAEL A. DRAZIC,

Plaintiff,

v.

KIEWIT BUILDING GROUP INC.,

Defendant.

CASE NO. CI 16-409

NOTICE OF REMOVAL

Defendant, Kiewit Building Group Inc. ("Kiewit"), respectfully notifies the Court that it has removed the above-referenced action from the District Court of Douglas County, Nebraska, Case ID: CI 16-4506, to the United States District Court for the District of Nebraska, pursuant to 28 U.S.C. §§ 1331 and 1441. In support of its removal, Kiewit states as follows:

1. This action is being removed to Federal Court based upon federal question jurisdiction.

2. Plaintiff, Michael A. Drazic, filed the above-entitled civil action in the District Court of Douglas County, Nebraska. The action is wholly civil in nature, and the United States District Court for the District of Nebraska has original jurisdiction under 28 U.S.C. § 1331 and the action may be removed by Defendant pursuant to 28 U.S.C. § 1441(a).

3. This Court has federal question jurisdiction over the action because Plaintiff's Amended Complaint seeks relief under federal Family Medical Leave Act, 29 U.S.C. § 2601 *et seq.*, and the Americans with Disabilities Amendments Act, 42 U.S.C. § 12101 *et seq.*

4. This Court has supplemental jurisdiction over Plaintiff's claims alleged under Sections 48-1104 and 48-1114(1) of the Nebraska Fair Employment Practices Act pursuant to 28 U.S.C. § 1367.

5. This Notice of Removal is being filed pursuant to 28 U.S.C. § 1446.

6. Attached as Exhibit "A" and incorporated by reference is a true and correct copy of the pleadings served upon Defendant and removed by this notice.

7. Attached as Exhibit "B" is a true and correct copy of the Notice of Filing of Notice of Removal which has been served with this document on all parties and filed with the District Court of Douglas County, Nebraska.

8. Defendant requests trial of this matter in Omaha, Nebraska.

WHEREFORE, Defendant notifies the Court of the removal of this action from the District Court of Douglas County, Nebraska, to the United States District Court for the District of Nebraska.

Dated this 29th day of August, 2016.

KIEWIT BUILDING GROUP, INC., Defendant,

By: s/Scott P. Moore

Scott Parrish Moore (NE# 20752)

Sara A. McCue (NE# 25521)

of BAIRD HOLM LLP

1700 Farnam St Ste. 1500

Omaha, NE 68102-2068

Phone: 402-344-0500

Facsimile: 402-344-0588

spmoore@bairdholm.com

Jeremy Stewart (Application to Be
Submitted)

of KIEWIT CORPORATION

Kiewit Plaza, Omaha, NE 68131

Phone: (402) 943-5042

Fax: (402) 271-2830

Jeremy.stewart@kiewit.com

Attorneys for Defendant

CERTIFICATE OF SERVICE

I hereby certify that on this 29th day of August, 2016, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which sent notification of such filing to the following:

Jennifer Turco Meyer
Jennifer@dyerlaw.com

And I hereby do certify that I have mailed by United States Postal Service the document to the following non CM/ECF participants:

None.

/s/Scott P. Moore